

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 2 and 3, begin a new paragraph and insert:
2 "SECTION 2. IC 13-11-2-116 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 116. (a) "Landfill", for
4 purposes of IC 13-20-2 **and IC 13-20-24**, means a solid waste disposal
5 facility at which solid waste is deposited on or beneath the surface of
6 the ground as an intended place of final location.
7 (b) "Landfill", for purposes of section 114.2 of this chapter and
8 IC 13-20-11, means a facility operated under a permit issued under
9 IC 13-15-3 or IC 13-7-10 (before its repeal) at which solid waste is
10 disposed of by placement on or under the surface of the ground.
11 (c) "Landfill", for purposes of section 82 of this chapter and
12 IC 13-21, means a solid waste disposal facility at which solid waste is
13 deposited on or in the ground as an intended place of final location. The
14 term does not include the following:
15 (1) A site that is devoted solely to receiving one (1) or more of the
16 following:
17 (A) Fill dirt.
18 (B) Vegetative matter subject to disposal as a result of:
19 (i) landscaping;
20 (ii) yard maintenance;

- 1 (iii) land clearing; or
 2 (iv) any combination of activities referred to in this clause.
 3 (2) A facility receiving waste that is regulated under the following:
 4 (A) IC 13-22-1 through IC 13-22-8.
 5 (B) IC 13-22-13 through IC 13-22-14."

6 Page 3, between lines 39 and 40, begin a new paragraph and insert:
 7 "SECTION 8. IC 13-20-21-6 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) **Subject to**
 9 **subsection (c)**, for solid waste, the disposal fees are as follows:

	Fee
10	
11 Solid waste disposed into a	
12 municipal solid waste landfill per ton	\$ 0.10
13 Solid waste disposed into a	
14 nonmunicipal solid waste landfill per ton	\$ 0.10
15 Solid waste disposed	
16 into an incinerator per ton	\$ 0.05
17 Solid waste disposed into a	
18 construction\demolition waste site per ton	\$ 0.10

19 (b) There is no solid waste disposal fee for solid waste disposed into
 20 a solid waste landfill permitted to accept restricted waste solely
 21 generated by the person to which the permit is issued.

22 (c) **With respect to a municipal solid waste landfill, a**
 23 **nonmunicipal solid waste landfill, or a construction\demolition**
 24 **waste site:**

- 25 (1) **located in a county that does not zone under IC 36-7-4;**
 26 (2) **for which the department issues an original permit for**
 27 **construction after June 30, 2006; and**
 28 (3) **for which a host agreement has not been entered into**
 29 **under IC 13-20-24;**

30 **the county fiscal body may establish a disposal fee that does not**
 31 **exceed two dollars and fifty cents (\$2.50) per ton, which applies in**
 32 **addition to the disposal fee established in subsection (a).**

33 SECTION 9. IC 13-20-21-14 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) **Except as**
 35 **provided in subsection (b)**, fees and delinquency charges collected
 36 under this chapter:

- 37 (1) are payable to the department; and

(2) shall be deposited in the environmental management permit operation fund established by IC 13-15-11-1.

(b) Fees and delinquency charges collected under section 6(c) of this chapter are payable to the department. The department shall remit the revenue to the county treasurer of the county in which the landfill is located for deposit in the fund established by the county treasurer under IC 36-2-9-21."

Page 5, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-20-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 24. Host Agreement in a County Without Zoning

Sec. 1. With respect to a landfill or landfill expansion located or proposed to be located in the unincorporated area of a county that does not zone under IC 36-7-4, the county and another person may enter into a host agreement under this chapter.

Sec. 2. With respect to a landfill or landfill expansion located or proposed to be located in a municipality in a county that does not zone under IC 36-7-4, the municipality and another person may enter into a host agreement under this chapter.

Sec. 3. A host agreement under this chapter must provide that the person that enters into the host agreement with the county or municipality agrees, in exchange for permission from the county or municipality to construct or operate a landfill in the county or municipality, to do one (1) or more of the following during the term of the host agreement:

(1) Make one (1) or more payments in designated amounts to the county or municipality.

(2) Construct, improve, or maintain infrastructure that supports or is otherwise related to the landfill.

(3) Provide to the county or municipality other consideration that supports or is otherwise related to the landfill.

Sec. 4. A county or municipality that receives a payment under section 3(1) of this chapter may use the revenue only for the construction, improvement, or maintenance of infrastructure that supports or is otherwise related to the landfill.

SECTION 12. IC 36-2-9-21 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2006]: **Sec. 21. (a) If a disposal fee is charged under
IC 13-20-21-6(c), the county treasurer shall:**

**(1) establish a dedicated fund for the purposes described in
subsection (b); and**

**(2) deposit in the fund all revenue remitted to the county
treasurer under IC 13-20-21-14(b).**

**(b) Money in the fund established under subsection (a) may be
used only to pay the costs of constructing, improving, or
maintaining infrastructure that supports or is otherwise related to
the landfill at which the disposal fees are charged.**

**(c) The county treasurer shall, in accordance with IC 5-13-9,
invest any money accumulated in the fund established under
subsection (a). Any interest received from investment of the money
shall be paid into the fund.**

SECTION 13. IC 36-9-31-23 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 23. (a) Subject to
subsection (b), any facility:**

(1) owned;

(2) operated; or

(3) financed after December 2, 2008;

under this chapter shall accept waste accumulated within the waste
disposal district without discrimination as to whether or not the waste
is collected by the **consolidated** city. The fees made by any such facility
for any services rendered or to be rendered, either directly or in
connection with them, must be nondiscriminatory, but they may vary
based upon the volume, weight, hazardousness, or difficulty of disposal
of the waste disposed of or processed by the facility.

(b) If a person enters into a contract with the consolidated city

1 **to accept the consolidated city's waste at a facility, the person may**
2 **not be considered to be operating the facility for purposes of this**
3 **section."**

4 Page 6, delete lines 1 through 37.

5 Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Gard

Chairperson